

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**CHARLES MORROW and MICHAEL )  
OVERTON, Individually and on behalf )  
of similarly situated employees, )  
Plaintiffs, ) CIVIL ACTION NO: 3:07-CV-617-MHT  
)  
v. )  
)  
FLOWERS FOODS, INC., FLOWERS )  
BAKING CO. OF OPELIKA, LLC, )  
Defendants. )**

**DEFENDANT FLOWERS FOODS INC.'S MOTION FOR PROTECTIVE ORDER  
LIMITING THE SCOPE OF PLAINTIFFS' PROPOSED 30(B)(6) DEPOSITION**

**COMES NOW** Defendant, Flowers Foods, Inc., ("Flowers Foods"), by and through its undersigned counsel, and moves this Court to limit the scope of the subject matter topics, and the documents requested, in Plaintiffs' 30(b)(6) Notice of Videotaped Deposition.

1. At this time, there are six Plaintiffs, and five opt-ins in this action alleging violations of the Fair Labor Standards Act ("FLSA") that are either former or current independent contractor distributors who contracted only with one Flowers' Food subsidiary, Flowers Baking Co. of Opelika, LLC ("Flowers/Opelika"). There are no other plaintiffs or opt-ins from any of the other 25 separate and distinct Flowers' subsidiaries who are not parties to this action.
2. Plaintiffs have filed a Motion to Conditionally Certify and Facilitate Class Notice seeking a "nationwide" collective action as to all subsidiaries and the parent, Flowers

Foods, and Defendants have filed a Response in Opposition. Plaintiffs' Motion for Conditional Certification has not been ruled upon.

3. Despite the fact that, procedurally, the case is still an individual, multi-plaintiff case, involving one subsidiary, Flowers/Opelika, and only current and former independent distributors of Flowers/Opelika, Plaintiffs have submitted an extremely broad and unduly burdensome Notice for a 30(b)(6) deposition which would encompass information regarding Flowers Foods. and its 25 subsidiaries even though conditional certification has not been granted. Topics requested include *inter alia* how the independent contractor program was created and instituted at all subsidiaries, and business practices at all such subsidiaries.
4. Flowers Foods seeks a compromise of limiting the scope of the topics and documentation requested which is fully explained and outlined in the supporting brief filed simultaneously herewith.

**WHEREFORE**, Flowers Foods respectfully requests that this Honorable Court GRANT its Motion for a Protective Order limiting the scope of topics and documents requested in Plaintiffs' 30(b)(6) Notice of Videotaped Deposition as set forth in the brief filed herewith.

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Counsel for Defendants, Flowers Foods, Inc. and Flowers  
Baking Company of Opelika, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of October, 2007, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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And I hereby certify that I have mailed by United States, First Class Mail, postage prepaid the document to the following non-CM/ECF participant:

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